

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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| ANDREW J. DOUGAN, | : | CIVIL NO.: 1:22-CV-00462 |
| | : | |
| Plaintiff, | : | (Magistrate Judge Schwab) |
| | : | |
| v. | : | |
| | : | |
| PRIME CARE MEDICAL, INC., <i>et al.</i> , | : | |
| | : | |
| Defendants. | : | |
| | : | |

ORDER

June 27, 2022

On June 7, 2022, several of the defendants filed a motion to dismiss the complaint and, on June 21, 20022, they filed a brief in support of that motion. If Dougan opposes this motion, he must file a brief in opposition to the motion. In the alternative, we will grant Dougan leave to file an amended complaint to attempt, if appropriate, to cure the defects raised by the defendants in their motion. In sum, Dougan shall file either a brief in opposition to the defendants' motion to dismiss or an amended complaint.

Based on the foregoing, **IT IS ORDERED** that Dougan may file a brief in opposition to the moving defendants' motion to dismiss on or before **July 25**,

2022. In the alternative to filing a brief in opposition, Dougan may file an amended complaint¹ on or before **July 25, 2022.**

S/Susan E. Schwab

Susan E. Schwab

United States Magistrate Judge

¹ Any amended complaint must be titled as an amended complaint and must contain the docket number of this case. Fed. R. Civ. P. 10(a). “The plaintiff is advised that any amended complaint must be complete in all respects.” *Young v. Keohane*, 809 F. Supp. 1185, 1198 (M.D. Pa. 1992). “It must be a new pleading which stands by itself as an adequate complaint without reference to the complaint already filed.” *Id.* “In general, an amended pleading supersedes the original pleading and renders the original pleading a nullity.” *Garrett v. Wexford Health*, 938 F.3d 69, 82 (3d Cir. 2019). “Thus, the most recently filed amended complaint becomes the operative pleading.” *Id.* In other words, if an amended complaint is filed, the original complaint will have no role in the future litigation of this case. Any amended complaint must also comply with the pleading requirements of the Federal Rules of Civil Procedure, including the requirements that the complaint contain “a short and plain statement of the grounds for the court’s jurisdiction,” “a short and plain statement of the claim,” and “a demand for the relief sought.” Fed. R. Civ. P. 8(a)(1)–(3). Further, “[e]ach allegation must be simple, concise, and direct.” Fed. R. Civ. P. 8(d)(1). “A party must state its claims or defenses in numbered paragraphs, each limited as far as practicable to a single set of circumstances.” Fed. R. Civ. P. 10(b). And to the extent it would promote clarity to do so, “each claim founded on a separate transaction or occurrence . . . must be stated in a separate count.” *Id.*